IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 5678 OF 2004

K. S. Raju & Others.. ... .Applicants.

Versus

Apple Finance Ltd. & Anr..... ....Respondents.

Mr. N.K.Thakore i/by Mr. Prakash Naik
for the Applicants.

Mr. U. V. Nikam, APP for the State.

CORAM : NARESH H. PATIL, J.

DATED : 28TH JULY, 2006.

P.C.:

Mentioned, not on board. By consent, taken on board for hearing.

2. Learned Counsel for the applicants states that in the present application the order of issuance of process is under challenge and in view of the judgment of this Court in the case of **V. K. Jain v/s Pratap V. Padode,** reported in 2005(3) Mh.L.J. 779, the applicants shall have to file revision application before the Sessions Court. He, therefore, submits that the applicants be permitted to withdraw this

application with liberty to file revision application before the proper court. He further requests that in view of the pendency of this application, the delay in filing the revision may be considered and the ad-interim relief granted by this Court may be continued for a further period of eight weeks.

3. Application allowed to be withdrawn with liberty to file revision application before the proper court. In case, the applicants prefer revision application within eight weeks from today, the delay occurred in preferring revision application shall be considered by the Court looking to the pendency of the application before this Court.

4. Ad-interim relief, if any, granted by this Court to continue for a period of eight weeks from today.

5. In case, the applicants apply for any urgent relief before the revisional court, adequate notice would be given by the applicants to the contesting respondents.

6. Application is, accordingly, disposed of.

Sd/-

(NARESH H. PATIL, J.)